EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

IN THE SUPREME COURT OF THE UNITED STATES
APRIL TERM, 1986

ROLAND A. JONES,	*	
	*	
Petitioner,	*	(9)
	*	
v.	*	Case No.
	*	85-1855
STATE OF GEORGIA,	*	
DEPARTMENT OF HUMAN	*	
RESOURCES, et al.,	*	
	*	
Respondents.	*	

MOTION TO STRIKE FRIVOLOUS PETITION

COME NOW the Respondents in the above-referenced case and move this Honorable Court to strike the frivolous Petition filed in the above-referenced case. This Motion is filed in compliance with Rule 42(c) and Rule 39 of the United States Supreme Court. In support of this Motion, the Respondents show the following:

1.

The Petitioner's original complaint in this action was filed on November 19, 1982. By Order dated March 14, 1983, the United States District Court, Northern District of Georgia, Atlanta Division, dismissed the civil rights action granting a dismissal motion filed by the Respondents, finding that the District Court lacked subject matter jurisdiction because the Petitioner, a probationary employee, had no federally protected interest in his continued public employment.

The Appellant subsequently filed a Motion for Reconsideration and a Motion for Reinstatement and Amendment of his Complaint, which was additionally denied by the District Court by Order dated April 22, 1983.

On February 21, 1984, the United States Court of Appeals for the Eleventh Circuit affirmed the District Court Order of Dismissal. Roland A. Jones v. State of Georgia, et al; 725 F.2d 622 (11th Cir. 1984). On May 24, 1984, the Eleventh Circuit denied the Appellant's Motion for Relief from that judgment.

Subsequently, the Petitioner filed a Petition for Writ of Certiorari with the United States Supreme Court. That Petition was docketed as Case No. 83-2065. On November 5, 1984, the Respondents were advised that the United States Supreme Court had entered an Order denying that Petition for Writ of Certiorari. Copy of said Notice is attached hereto and incorporated herein by reference as Respondent's Exhibit A.

2.

Subsequently, the Appellant filed a document with the District Court entitled Questions Presented for Review. No new cause of action nor other form of complaint was filed or otherwise served.

On August 20, 1985, the District Court entered an Order that the Petitioner had exhausted his appeals and had no grounds for continuing with endless appeals. Copy of said Order is attached hereto and incorporated herein by reference as Respondent's Exhibit B.

The Petitioner subsequently filed a Notice of Appeal specifically alleging that the Petitioner sought to appeal this August 20, 1985 Order. By Order dated January 8, 1986, the United States Court of Appeals for the Eleventh Circuit entered an Order granting Respondent's Motion to Dismiss the Appeal as frivolous. A copy of that Order is attached hereto as Exhibit C.

Subsequently, Respondent's received notice that the Petitioner was filing the present Petition for Writ of Certiorari after the entry of this order.

The Respondent's move this Honorable Court to strike this frivolous petition on the grounds that it is frivolous and attempts to continue an endless route of appeals to a matter for which there should be no further review. Any allegations or arguments that the Petitioner seeks to raise at this time should have been raised when he initially reached the appellate level. At this point, the Petitioner raises no new cause of action and by virtue of this Petition, is merely seeking to

appeal the entry of orders at both the District Court and Court of Appeals level dismissing his appeals as frivolous.

WHEREFORE, the Respondents respectfully pray that this Court will enter an order striking this Petition.

Respectfully submitted,

MICHAEL J. BOWERS 071650
Attorney General

MARION O. GORDON 302300
First Assistant Attorney General

WAYNE P. YANCEY 780100
Senior Assistant Attorney General

SUSAN L. RUTHERFORD 621475
Assistant Attorney General

Please serve:

WAYNE P. YANCEY
Senior Assistant Attorney General
132 State Judicial Building
40 Capitol Square, S. W.
Atlanta, Georgia 30334
(404) 656-3377

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

November 5, 1984

Mr. Wayne P. Yancey
Georgia Department of Law
132 Judicial Building
Atlanta, GA 30334

Re: Roland A. Jones,
v. Department of Human Resources of Georgia, et al.
No. 83-2065

Dear Mr. Yancey:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Very truly yours,

Alexander L. Stevas, Clerk

Alexander L. Stevas

EXHIBIT A

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
AUG 20 1985
LUTHER D. THOMAS, Clerk
By: Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROLAND A. JONES,	:	
Plaintiff,	:	CIVIL ACTION
v.	:	C82-2554A
THE STATE OF GEORGIA, et al.,	:	
Defendants	:	

ORDER

By order dated March 14, 1983, the Court dismissed this civil rights action. On February 21, 1984, the United States Court of Appeals for the Eleventh Circuit affirmed the Court's order of dismissal. 725 F.2d 622 (11th Cir. 1984). On May 24, 1984, the Eleventh Circuit denied plaintiff's motion for relief from judgment. On June 18, 1985, plaintiff filed the instant motion for relief from judgment pursuant to Fed.R.Civ.P. 60(b).

Through the instant motion, plaintiff seeks further appeal from the Court's order of dismissal. Plaintiff's brief alleges numerous errors in the Court's order. Plaintiff either made or should have made these arguments at the appellate level. Fed.R.Civ.P. 60(b)(6) does not provide a vehicle for endless appeals.

EXHIBIT B

Accordingly, plaintiff's motion is DENIED.

IT IS SO ORDERED, this 20th day of August, 1985.

Marvin H. Shoob, Judge
United States District Court
Northern District of Georgia

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
FILED
JAN 8 1986
SPENCER D. MERCER, CLERK

No. 85-8706

C 82-2554A

ROLAND A. JONES,

Plaintiff-Appellant,

versus

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN 9 1986
LUTHER D. THOMAS, Clerk
By: Deputy Clerk

STATE OF GEORGIA, et al.,

Defendants-Appellees.

- - - - - - - -

Appeal from the United States District Court for the Northern District of Georgia

- - - - - - - -

Before TJOFLAT, VANCE and KRAVITCH, Circuit Judges.

BY THE COURT:

Appellees' motion to dismiss this appeal is Granted

Appellees' alternative motion to file brief out of time is denied as moot

Appellant's motion for default judgment is Denied

- EXHIBIT C -

ISSUED AS MANDATE: JAN 08 1986

Attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit
By: Pam Holloway
Deputy Clerk
Atlanta, Georgia JAN 08 1986

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing MOTION TO STRIKE FRIVOLOUS PETITION, prior to filing the same, by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed to the following:

Mr. Roland A. Jones
1390 Heatherland Drive
Atlanta, Georgia 30331

This 9th day of June, 1986.

WAYNE P. YANCEY
Senior Assistant Attorney General